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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/803,998 | 03/13/2001 | Kimio Miseki | 04329.2532 | 9368 |

22852 7590 04/13/2004

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| EXAMINER |
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MCFADDEN, SUSAN IRIS

| ART UNIT | PAPER NUMBER |
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2655

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DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,998

Applicant(s)

MISEKI, KIMIO

Examiner

Susan McFadden

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,6,8,10,12-14 and 18-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,8,10,12-14 and 18-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Z.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Response to Arguments

1. Applicant's arguments, see Amendment B, paper number 8, filed 3-8-04, with respect to the rejection(s) of claim(s) 1-23 under Gersho have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Taniguchi et al. (cited by Applicant in IDS, paper number 7).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,3,4,5,6,8,10,11,12,15,17,18,19,20,21 and 24-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Taniguchi et al. "Pitch Sharpening for perceptually improved CELP and the sparse-delta codebook for reduced computation".

In regard to claims 1,4,5,8,11,15,18,19,20, and 24-31, Taniguchi et al. show a speech encoding and decoding system and method comprising: generating an excitation signal by using a first and second code vector, selecting code information to reduce perceptually weighted distortion, generating an excitation signal, modifying the excitation signal by filter processing (low-pass filter) and storing the excitation signal in the adaptive codebook (pitch-sharpening block, Fig 4) which includes various codebooks and codevectors that are combined (Abstract, pg. 243, Section 3.2).

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In regard to claims 3,6,10, and 17, Taniguchi et al. show a system and method for speech coding which uses a recursive filter (Fig. 4, Section 3.2).

In regard to claims 12 and 21, Taniguchi et al. show an electronic device comprising: a speech encoder (Fig. 4) operating according to the methods discussed above and a speech input device for supplying a speech signal to the encoder (inherent).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13,14, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi et al. (cited above).

In regard to claims 13,14,22, and 23, Tanguchi et al. show the speech encoding discussed above. Taniguchi et al. do not specifically show that a speech decoder and output device configured to output a speech signal from the decoder. The Examiner takes Official Notice that speech encoders work in conjunction with speech decoders to process speech signals and output them. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to combine these because they would provide a complete system for processing and outputting improved speech signals with less noise (pg. 243).


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 703-308-6693. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.


Susan McFadden
Primary Examiner
Art Unit 2655

April 12, 2004